

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

United States of America,

—v—

Nico Burrell, et al.,

Defendants.

**USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: MAY 02 2016**

15-cr-95 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

This Court conducted initial conferences with defendants and counsel in this matter earlier today, May 2, 2016, at 10:00 a.m., 12:00 p.m., and 2:00 p.m. After hearing from the Government and defense counsel, it is hereby ORDERED that this case shall proceed according to the following schedule:

1. The Government shall produce all Rule 16 discovery material currently in its possession by June 1, 2016. Additional discovery shall be produced on a rolling basis.
2. The Government shall confer with defense counsel and file a letter addressing the following issues by May 12, 2016: (a) the means by which incarcerated defendants will be afforded an opportunity to review discovery; (b) the means of providing defense counsel access to geo-location discovery, including whether it would be feasible to provide a copy of that information on a hard drive or through a secure form of remote access; and (c) the Government's understanding of when learned counsel may be appointed for defendants who may face the addition of death-eligible charges.
3. On or before September 27, 2016, the Government shall file a motion to sever the defendants into two groups—first, those defendants as to whom the Government does *not* intend to file a superseding indictment (beyond the second superseding

indictment, *see* Dkt. No. 97) to add charges or defendants; second, those defendants as to whom the Government *does* intend to file a superseding indictment to add charges or defendants. Any opposition to the Government's severance motion shall be due by October 11, 2016, and any replies shall be due by October 17, 2016.

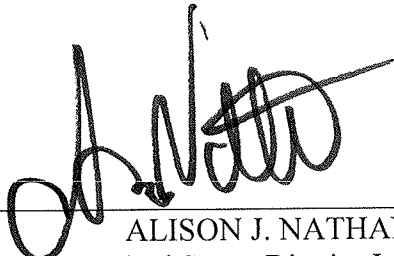
4. On or before September 27, 2016, the Government will undertake to provide each defendant with an informal notification as to whether the Government is then considering adding any death-eligible count against that defendant.
5. The Government shall file its enterprise letters on or before September 27, 2016.
6. The Court will conduct its next scheduling conference, or conferences, on October 20, 2016. The first conference will be held at 10:00 a.m., and additional conferences (if necessary) will be held at noon and 2:00 p.m. The Court will issue an order closer to that conference date outlining the agenda for the conference(s).
7. Any motion that can be brought on the face of the second superseding indictment, including motions pursuant to Federal Rules of Criminal Procedure 12(b)(3)(B)(i), (ii), (iii), and (v), shall be filed no later than July 1, 2016. Any opposition shall be filed by August 1, 2016, and any replies shall be filed by September 1, 2016. Any objections to the schedule for briefing such motions shall be filed by May 9, 2016.
8. Absent leave of the Court, no superseding indictment adding charges or defendants shall be filed after January 6, 2017.

Finally, the Court finds the ends of justice served by granting an exclusion from speedy trial computations for the period from May 2, 2016, through October 20, 2016, outweigh the interests of the public and the defendant in a speedy trial in order to provide adequate time for the production of discovery, for Defendants to review discovery, for Defendants to consider and prepare any motions, for preparation for trial, and for the parties to negotiate a disposition of this case. The Court also finds, pursuant to 18 U.S.C. § 3161(h)(7), that this case is so unusual and complex, due to the number of defendants, the nature and scope of the prosecution, and the

volume of discovery, that it would be unreasonable to expect adequate preparation for pre-trial procedures or for trial within the time limits established by the Speedy Trial Act.

SO ORDERED.

Dated: May 2, 2016  
New York, New York



---

ALISON J. NATHAN  
United States District Judge